

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KARL FREDERICK VINSON,

Petitioner,

v.

CASE NO. 05-CV-72401-DT  
HONORABLE NANCY G. EDMUNDS

MICHIGAN PAROLE BOARD,

Respondent.

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**ORDER**  
**DENYING RESPONDENT'S MOTION TO CONSOLIDATE**  
**AND**  
**DISMISSING HABEAS CORPUS PETITION**

Petitioner Karl Frederick Vinson has filed a *pro se* habeas corpus petition under 28 U.S.C. § 2254. The habeas petition alleges that, pursuant to a judgment of sentence dated May 29, 1986, Petitioner stands convicted of (1) first-degree criminal sexual conduct and (2) breaking and entering an occupied dwelling with intent to commit criminal sexual conduct. A Wayne County circuit judge sentenced Petitioner to a term of ten to fifty years in prison for the criminal sexual conduct conviction and to a concurrent term of five to fifteen years for the breaking and entering conviction. The Michigan Court of Appeals affirmed Petitioner's convictions on October 25, 1988, and on June 27, 1989, the Michigan Supreme Court denied leave to appeal.

The pending habeas petition is dated June 9, 2005. The sole ground for relief and supporting facts read:

The Michigan Parole Board is denying Petitioner parole status in violation of his State and Federal Constitutional Rights.

Petitioner is 12 years past his 10 year minimum. The Michigan Parole Board is

denying Petitioner Parole status in violation of his Constitutional right not to bear witness against himself, and effectively re-sentencing him in violation of Double Jeopardy . . . .

Pet. at 5.

Currently pending before the Court is Respondent's motion to consolidate this case with *Vinson v. Michigan Parole Board*, No. 05-CV-72425-DT (E.D. Mich. June 20, 2005). Petitioner initiated case number 05-CV-72425-DT by filing a habeas corpus petition, which is virtually identical to the one in this case. The two petitions raise the same claim regarding the Michigan Parole Board's refusal to release Petitioner on parole.

“[G]enerally, a suit is duplicative if the claims, parties, and available relief do not significantly differ between the two actions.” *Serlin v. Arthur Andersen & Co.*, 3 F.3d 221, 223 (7th Cir. 1993) (internal quotation marks and citations omitted). A district court, as part of its general power to administer its docket, “may stay or dismiss a case that is duplicative of another federal court suit.” *Curtis v. Citibank, N.A.*, 226 F.3d 133, 138 (2d Cir. 2000).

*Piedra v. Aguirre*, 125 Fed. Appx. 968, 969 (10th Cir. 2005) (unpublished opinion).

Although this case was filed a few days before case number 05-CV-72425-DT, the claims, the parties, and the available relief are the same in both cases. Moreover, on the day after Respondent filed his motion to consolidate the two cases, United States District Judge Robert H. Cleland dismissed case number 05-CV-72425-DT with prejudice. Judge Cleland concluded that the alleged violations of state law were not a basis for habeas relief and that Petitioner's Fifth Amendment claims lacked merit.

Because Judge Cleland has already adjudicated the issues pending before this Court, it would serve no purpose to reassign this case and to consolidate it with Judge Cleland's case. The issues have been adjudicated and resolved in a final judgment. Thus, this case is now moot. *See Associated Gen. Contractors of Am. v. Columbus*, 172 F.3d 411, 420-21 (6th Cir. 1999).

Accordingly, Respondent's motion to consolidate this action with case number 05-CV-72425-DT [Doc. #9, Feb. 8, 2006] is DENIED, and the habeas petition [Doc. #1, June 17, 2005] is DISMISSED.

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: March 2, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 2, 2006, by electronic and/or ordinary mail.

s/Carol A. Hemeyer  
Case Manager